

Senate, March 17, 1998. The Committee on Transportation reported through SEN. CIOTTO, 9th DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING AIR NAVIGATION FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) The Commissioner of Transportation  
2 shall adopt regulations, in accordance with  
3 chapter 54 of the general statutes, to establish  
4 procedures for compliance and penalties for  
5 failure to comply with the provisions of section  
6 13b-46 of the general statutes, by heliports, as  
7 defined in subdivision (27) of section 15-34 of  
8 the general statutes. Such procedures shall  
9 include, but not be limited to, (1) an expedient  
10 process for a municipality to receive flight  
11 records from the Department of Transportation for  
12 any heliport located in such municipality and (2)  
13 the establishment of flight pattern requirements  
14 for heliports. Such penalties shall include, but  
15 not be limited to, fines imposed on a heliport by  
16 a municipality and the state for said heliport's  
17 allowing in excess of thirty-six landings and  
18 takeoffs per year without approval by the  
19 commissioner, in accordance with said section  
20 13b-46.

21 TRA COMMITTEE VOTE: YEA 15 NAY 4 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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## FISCAL IMPACT STATEMENT - BILL NUMBER sSB 306

STATE IMPACT	Minimal Workload explanation below	Impact, see
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MUNICIPAL IMPACT	Potential Revenue explanation below	Gain, see
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STATE AGENCY(S) Department of Transportation

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: It is anticipated that the Department of Transportation (DOT) will promulgate regulations within normal budgetary resources.

Since PA 97-258 allows the DOT to impose a fine of up to \$500, it is anticipated that the Transportation Fund will not experience additional revenues from the adoption of these regulations. However, since the regulations must include a mechanism allowing municipalities to impose fines on heliports, municipalities could experience revenue gains from the adoption of same.

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## OLR BILL ANALYSIS

SSB 306

# AN ACT CONCERNING AIR NAVIGATION FACILITIES

**SUMMARY:** This bill requires the commissioner of the Department of Transportation (DOT) to adopt regulations establishing compliance procedures and penalties for

noncompliance with state requirements for licensure of heliports. The procedures must include, at least, (1) an expeditious process for a municipality to receive flight records from DOT for a heliport located within the municipality and (2) establishment of flight patterns for heliports. Fines established by the regulations must include, at least, fines imposed on the heliport by the host municipality and the state for exceeding 36 landings and takeoffs per year without DOT approval.

DOT's authority under the bill to establish flight patterns for heliports through its regulations is circumscribed by federal law that vests preemptive authority to regulate the navigable airspace used by aircraft engaged in air commerce in the Federal Aviation Administration. Federally controlled navigable airspace includes the areas above certain designated minimum flight altitudes and the airspace necessary to ensure the safety of aircraft taking off and landing from licensed aviation facilities. Aircraft coming and going from unlicensed landing locations could possibly be operating outside of federally controlled airspace.

EFFECTIVE DATE: October 1, 1998

## **BACKGROUND**

### **Requirements for Licensing Air Navigation Facilities**

By law, any location from which more than 36 aircraft landings and takeoffs are expected in any year must be approved and licensed as an air navigation facility by the transportation commissioner. Air navigation facilities include airports, heliports, restricted landing areas, and other types of facilities that aid air navigation. An airport can be either a land or water area which is designed for the landing and takeoff of aircraft (a term which includes airplanes, gliders, and helicopters), can be either public or private, and does not necessarily have to have facilities for sheltering, servicing, or repairing aircraft or for handling passengers or cargo. A heliport is a licensed facility with an area of defined dimensions, either at ground level or elevated on a structure, designated for the landing and takeoff of helicopters, which may be solely restricted for that

purpose.

### **Operations from Unlicensed Locations**

In 1997, the General Assembly enacted PA 97-258 allowing the DOT to respond to written complaints alleging repeated aircraft landings and takeoffs from property not licensed as an aviation facility by requiring the property owner to keep and submit to DOT records of all aircraft landings and takeoffs from the property for a year. The transportation commissioner had to adopt implementing regulations including, at least, the type of information to be recorded by a property owner, procedures for transmitting it to the DOT, and standards for determining activities falling within the act's exemption for annual special events and agricultural uses of aircraft. Those violating the law or regulations may be fined up to \$500.

The DOT regulations are currently in draft form and under review by the attorney general.

### **COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute  
Yea 15      Nay 4